

Notice of Allowability

Application No.

09/846,456

Examiner

Daniel M. Sullivan

Applicant(s)

ROSIER-MONTUS ET AL.

Art Unit

1636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Paper filed 21 December 2007.
2. ☒ The allowed claim(s) is/are 1,3,7-12,35,36 and 60.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with George S. Jones on 7 February 2008.

The application has been amended as follows:

In the specification:

Insert the following paragraph at page 1, line 1:

--The instant application claims benefit of US provisional application 60/201,280 filed 2 May 2000.--

In the claims

Claim 33 is cancelled.

1. (Currently amended) An isolated nucleic acid comprising a polynucleotide having the nucleotide sequence from nucleotide[[s]] 666 to nucleotide 3001 of the nucleotide sequence SEQ ID [[No.]]NO: 1, or the complement of the nucleotide sequence from nucleotide[[s]] 666 to nucleotide 3001 of SEQ ID [[No.]]NO: 1.

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7. (Currently amended) An isolated nucleic acid, wherein said isolated nucleic acid is a polynucleotide comprising the nucleotide sequence from nucleotide 2694 to nucleotide 2893 of the nucleotide sequence SEQ ID [[No.]]NO: 1.

8. (Currently amended) The isolated nucleic acid according to claim 7, wherein said isolated nucleic acid is a polynucleotide comprising the nucleotide sequence from nucleotide 2594 to nucleotide 2893 of the nucleotide sequence SEQ ID [[No.]]NO: 1.

9. (Currently amended) The isolated nucleic acid according to claim 7, wherein said isolated nucleic acid is a polynucleotide comprising [[a]]the nucleotide sequence ~~polynucleotide~~ from nucleotide 2294 to nucleotide 2893 of the nucleotide sequence SEQ ID [[No.]]NO: 1.

10. (Currently amended) The isolated nucleic acid according to claim 7, wherein said isolated nucleic acid is a polynucleotide comprising [[a]] the nucleotide sequence ~~polynucleotide~~ from nucleotide 1 to the nucleotide 2893 of the nucleotide sequence SEQ ID [[No.]]NO: 1.

11. (Currently amended) [[The]]An isolated nucleic acid, wherein said isolated nucleic acid is a polynucleotide comprising the nucleotide sequence ~~comprising a polynucleotide~~ from nucleotide 1899 to nucleotide 3013 of the nucleotide sequence SEQ ID [[No.]] NO: 1.

12. (Currently amended) The isolated nucleic acid according to claim 1, wherein said isolated nucleic acid is a polynucleotide comprising [[a]]the nucleotide sequence ~~polynucleotide~~ from

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nucleotide 654 to nucleotide 3001 of the nucleotide sequence SEQ ID [[No.]]NO: 1 or the complete complement thereof.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel M. Sullivan whose telephone number is 571-272-0779. The examiner can normally be reached on Monday through Friday 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach, Ph.D. can be reached on 571-272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel M. Sullivan/
Primary Examiner
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